

Remarks

The Objections to the Drawings

The Examiner objected to the Drawings in that the drawings did not illustrate the “temperature sensor” of original Claims 4, 14 and 28. Applicant has submitted a proposed drawing correction and has amended the specification to include a brief description of the “temperature sensor.” Applicant respectfully submits that the changes to the drawings as well as the amendment to the specification adds no new matter as the temperature sensor was discussed in the Summary of Invention as well as the Claims. Reconsideration of the Objection is graciously requested.

The Rejection of Claims 1-28 Under 35 U.S.C. §112

The Examiner rejected Claims 1-28, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With regard to the rejections pertaining to Claims 1, 8, and 15, Applicant has amended the claims to include a more concise description of the interacting energy as comprising the drive energy of the optically active component and the light beam.

With regard to Claims 20 and 21, Applicant has redacted the term “the” to correct improper antecedent basis.

With regard to Claims 23-25, Applicant has amended the claims to provide proper antecedent basis.

With regard to Claims 13 and 27, Applicant has redacted the phrase “for example.”

With regard to Claim 25, Applicant has redacted the term “confocal” to provide proper antecedent basis.

In view of the above, reconsideration of the rejections under 35 USC §112 are courteously requested.

The Rejection of Claims 1 through 4, 6 and 11 Under 35 U.S.C. §102(b)

The Examiner rejected Claims 1, 4-6, 12 and 14-21 under 35 USC §102(b) as being anticipated by Japanese Patent Publication No. 2000047117 (Zeiss), which application corresponds to German Patent Application No. DE 198 27 140 AI, which application was described in applicant's specification. Applicant respectfully traverses the rejection inasmuch as the rejection may apply to the amended claims.

As discussed in Applicant's specification, the Zeiss reference discloses a laser-scanning microscope comprising an AOTF wherein the temperature of the AOTF is adjusted by changing the frequency driving the AOTF and/or by adjusting a heating/cooling system proximate the AOTF. Zeiss further discloses that sensors measure the temperature of the AOTF, which sensors then signal a central control that adjusts the heating/cooling system and/or the frequency of the driver for the AOTF.

The invention of Claims 1, 8 and 15 is very different from that described by Zeiss. The present invention is configured for maintaining the energy interacting (a/k/a "interacting energy"-the drive energy of the optically active component and the light beam that interacts with the optically active component) with the optical component at a constant level such that a constant optical component temperature may be achieved and maintained. Zeiss does not disclose the limitation of maintaining the interacting energy affecting the optical component at a constant level and actually teaches away from the present invention. Consequently, because anticipation requires that all of the elements of the claim be taught within the four corners of a single reference and because Zeiss does not teach maintaining a constant interacting energy for purposes of maintaining a constant optical component temperature, Applicant respectfully submits that Zeiss does not anticipate the invention of Claims 1, 8 and 15.

In view of the above, reconsideration of the rejection of Claims 1, 8 and 15, and those claims depending therefrom, is respectfully requested.

The Rejection of Claims 2, 3, 7, 13 and 27 Under 35 USC §103

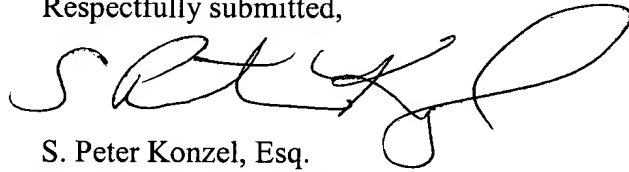
The Examiner rejected the above-identified claims under 35 USC §103 as being obvious to one having ordinary skill in the art in view of Zeiss. Applicant respectfully traverses the rejection inasmuch as the rejection may apply to the amended claims.

Applicant respectfully submits that the above-identified claims depend from non-obvious base claims such that by virtue of their dependency therefrom, they are also nonobvious. Zeiss simply does not disclose, teach or suggest using a constant interacting energy to maintain the constant temperature of an AOTF. In fact, Zeiss teaches away from maintaining a constant interacting energy and AOTF temperature. In view of the above, Applicant courteously requests reconsideration of the rejection.

Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



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